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## ► INTRODUCTION

This publication details the policies and regulations established for application and contract compliance. These are published to enable all applicants and recipients of a Contract for Service an understanding of the agency's policies and the source of GCA Staff responses to all questions.

Throughout this document, terms with special definitions used by both the National Endowment for the Arts and Georgia Council for the Arts are presented in bold, underlined [\*blue italics\*](#). Clicking on these terms will take the reader to the appropriate section of the GCA website for further description in the Glossary or access to forms.

GCA applicants and contractors are strongly encouraged to review this document annually, for conditions arise in applicant organizations that necessitate the modification of policies from one year to the next. Further, new or changed requirements are often mandated by both the state of Georgia and the National Endowment for the Arts or its parent, the federal government.

## ► APPLICATION REQUIREMENTS

### How to Apply

#### First-time Applicants

First-time applicants are required to contact the appropriate Program Manager at GCA for counsel on the grant category that best meets the needs of its organization and on eligibility requirements. First-time applicants are strongly encouraged to attend a live Grant Workshop or view one of the web-based GCA Grant Workshops. There are minimum award amounts for these applicants, as well as other restrictions and requirements.

#### e-GRANT SYSTEM

This is an electronic database system for entry of the application and its grant-specific information. Step by step instructions are provided under the *e-Grant* tab on the GCA website to facilitate the applicant's preparation. All applicants must electronically submit e-Grant, no later than the close of business (4:45 PM) on the required deadline date.

The e-GRANT SYSTEM allows for the submission of the electronic data entry as well as the upload of all Required Attachments. The package is different for each grant category and is presented under its Program Area, as *Grant Name + Guidelines*. It is available on the GCA website for downloading with instructions.

#### Support Material

The second part of the application submission is the Support Material, which must be mailed to GCA Offices. The postmark must be no later than the required deadline date.

**NOTE:** Every applicant must complete both parts of the application process.

### General Provisions

All awards are made on a fiscal-year basis, according to the state of Georgia fiscal calendar (July 1 through June 30). Either a new or a continuation application must be submitted each year. Further, the arts programming offered in the application must be completed within the state's fiscal year of the award, and all expenses (in whole or in part) must be incurred within that same fiscal year. Applications to the Georgia Artists Initiative programs do not require annual application.

GCA grants are awarded as contracts for services rendered, therefore contractors are required to deliver the services in both number and type as outlined in the contract or on an approved revision to the Scope of Services. Failure to fulfill the services as defined in the contract (within 10%) will

result in a reduction to the award amount. See [Scope of Services](#) for a discussion of revisions to the number and/or type of arts programming.

An award in one year does not guarantee an award in the following year. Though continuation awards allow for up to three years of consecutive funding, the applicant's offerings must remain within ten percent (10%) of the original (Year 1) application, and compliance issues must be met. Should the GCA budget be reduced, a proportional reduction in all continuation and other grants may be required. Conversely, should the GCA grants budget increase, a proportional increase in continuation and other grants will be provided.

All GCA awards must have a public component, even if it serves a targeted audience, such as seniors.

### General Eligibility

As of FY2011, GCA funding focus will remain solely on the non-profit arts industry, which includes all single- and multi-disciplinary arts organizations, as well as [dedicated arts units](#) of governments, colleges and universities. There are four general eligibility requirements for any entity defined above that is interested in applying to GCA. Any applicant not meeting these is ineligible to apply.

1. The state of Georgia requires that a contract be awarded only to grant applicants that are incorporated in Georgia. Applicant organizations whose incorporation is "in process" or "pending" are not eligible.
2. The organization must also be incorporated as a nonprofit, tax-exempt in nature by the IRS or a unit of government. Applicant organizations whose nonprofit status is "in process" or "pending" are not eligible.
3. The nonprofit status must have been established and the organization operational for one year before the grant applicant is eligible.
4. Except for the Traditional Arts Apprenticeship Grant (TAA), awards are only provided to organizations, not individuals, and all applicant organizations must have on file at GCA an [ADA Checklist](#) for its arts programming and for each venue used for arts programming.

Artists and artist groups may apply for GCA-certification to be promoted on an artists roster through the [Georgia Artist Initiative](#). The awarding of appointment to one of these rosters carries no direct monetary reward but rather rosters are designed to assist Georgia's artists in their marketing efforts. As a result, the four general eligibility rules above do not apply.

Individual applications may be deemed ineligible for adjudication, meaning that the Peer Review Panel will not review the application, for various omissions and errors. This list includes, but is not limited to:

- Failure to show evidence of a cash match
- Failure to submit required materials (such as budget breakdowns, Support Material, Board of Director's list, Consensus Statement Response, etc.)
- Failure to have a current, active Annual Registration with the Secretary of State's office, as evidenced by submission of same with the signed contract
- Failure to respond to all of the current narrative questions
- Requests that fall outside of the scope of the grant (such as requesting support for a full season in a PG) or programming that falls outside of the fiscal year

Detailed eligibility requirements can be found in the Guidelines for each grant.

## Naming Conventions

Some arts organizations publicize themselves using an operational (Doing Business As) name, which is different than their legal name as filed in incorporation papers with the federal and state governments. Other organizations have operating names that are different from the name of their parent organization, even though they use the parent organization's Federal Employee Identification Number (FEIN). And, most colleges of the state's university system also use their individual operating name, while showing their parent's FEIN.

These differences have created issues with GCA's fiduciary agency, Office of Planning and Budget. To reduce these issues, please follow these rules when submitting all documents to GCA, including **e-Grant** and all Required Attachments, a Contractor's Request for Reimbursement (CRR), a SOS Revision or Change of Information Form, and the Final Report. Also, follow these naming conventions when registering in the **e-GRANT SYSTEM**.

- The login should be the legal name of the applicant organization for all grant types or the individual artist's name for a [TAR](#) or [TRAR](#) application.
- For applicants using the nonprofit status of its parent organization, use the parent's name first, followed by the arts organization's name, as in: *Woodruff, Young Audiences*. Again, to save space, please use only the first name or abbreviations, where necessary.
- Artists and Artists groups should use their legal name: last name first, then a comma, and then the first name, as in *Smith-Brown, Leslie*.

- Artist Groups & Organizations with ‘The’ in their title should present the proper name first, then a comma, and then the article, as in: *James Singers, The*.

#### **Tax Exempt Verification**

As verification of its nonprofit status, each applicant organization (exclusive of units of government) must annually submit either a copy of the state of Georgia’s Certificate of Incorporation for First-time Applicants or the Annual Registration for all others. First-time applicants must also submit a copy of the Internal Revenue Service letter granting 501(c)3 federal tax-exempt status letter.

During the staff eligibility review, GCA Program Managers will check the Secretary of State’s website to verify that the applicant is in good standing and has a current, active registration. Failure to have a current, active Annual Registration will render an applicant ineligible. If funded, the organization must submit proof of the current year’s Annual Registration with the signed contract package. The Annual Registration can be downloaded from the [Secretary of State website](#).

If the applicant organization is not separately incorporated, but a division of a [parent organization](#) (usually a university, government, or foundation), it uses the parent’s nonprofit status under an umbrella clause. A statement signed by the parent organization’s board Chairman must accompany the application submission. For Operating Support (OS) grants, this letter must be submitted only in the first year of the continuation cycle. This letter must state the entity from which the nonprofit eligibility is derived, and the parent entity must meet the Annual Registration requirements above, if it is not a unit of government.

#### **Post Secondary Educational Institution Eligibility**

Museums, theatres, galleries and presenters dedicated to the arts, which use a parent entity’s nonprofit status, may be eligible for OS and PG grants. Contact the appropriate GCA Program Manager to ensure eligibility.

These additional eligibility requirements apply to colleges and universities.

- All events and program services supported by GCA must have a public component (accessible to the general public)
- The community outside the institution must comprise a significant percentage of those participating or being served
- All events and program services must be supplementary to the regular curriculum. GCA awards may not be used to support projects involving classes or workshops for which college credit is given

- GCA funds may not be used to replace funds normally allocated for specific arts programming funded by the educational institution
- No portion of a GCA award or its required cash match may be assigned to the indirect costs of the educational institution
- Student programs are not eligible for GCA support

### Match Requirements

Most GCA grants require a cash match. Most require a 1:1 match; others offer a smaller match requirement. See the requirements under the grant-specific guidelines.

Matching funds may be [pending](#) or [confirmed](#) at the time of the application, but all must be received by the closing date of the fiscal year of the award, June 30. Failure to produce the proposed cash match results in cancellation of the unmatched portion of the award.

For most GCA grants, [in-kind contributions](#) of goods, services, or space are not allowed as match; read the grant-specific guidelines carefully. However, in-kind contributions are considered as evidence of community support by the Peer Review Panel adjudicating the application.

### Continuation Cycles

Neither the state of Georgia nor any of its agencies may, by Constitutional authority, commit to multi-year funding. In order to reduce paperwork for the applicant, as well as reducing the time and cost associated with the Peer Review Panels, GCA has created the continuation cycle for its OS grant. For the second and third year after a Year 1 continuation grant has been awarded, the grantee submits an abbreviated application that requires only necessary data for making an award in these successive years; this data must be based on the first year's application. Years 2 and 3 of continuation must relate to the Year 1 application in number of services; deviation of more than ten percent must be explained. A complete budget and other financial data are also required.

Starting in FY2008, all OS applicant organizations were assigned a fiscal year (between FY2008 and FY2010) to enter into mandatory continuation. Years were assigned by budget size, phasing all applicants into Continuation over three-years, starting with the applicants with the largest budgets.

First-time Applicants are not eligible to apply for Continuation funding until they have been funded by GCA for at least one year.

### Ineligible Expenses

Due to prohibitions in the Georgia Constitution or by other regulations or policies of the state, GCA does not fund the following budget items. These items may not appear in the required budget information in ***e-Grant*** or on any budgets appearing inside a grant-specific application.

- Capital Expenditures/ Equipment  
According to the IRS, capital expenditures are permanent fixtures and equipment that generally have a useful life of over two years. The IRS classifies such expenditures as depreciable assets, indicating that their cost is written off over the “life of the item” or that number of years for which it is deemed useful. The longest useful life classification by the IRS is for real estate (buildings), forty years. Thus, office equipment, office furniture, and even upgrades to these (such as a new computer chip or different lens for a camera, or re-paving of the parking lot) are not eligible for GCA grant awards and should not be included in the budget presented to GCA. NOTE: Office supplies are eligible.  
The following are deemed ineligible:
  - Purchase of buildings or real estate
  - Renovations or improvements involving structural changes
  - Expenses for roads, driveways, parking lots or other projects/repairs
  - Purchases of permanent or generally immobile equipment such as grid systems, sound systems, central air conditioning and all other capital expenditures
- Fundraising Event Expenses  
Everything that is purchased for use in a fundraising event is an ineligible expense for a GCA application budget. This holds true for an auction or art sale fundraiser; the cost of artworks purchased are not eligible fundraising expenses, if they will be for sale or auction at a fundraising event. Entertainment, gifts, printing expenses, awards, refreshments, and all other expenses purchased for the fundraising event are all ineligible.  
NOTE: All eligible fundraising income included in the application’s Annual Budget must be reported as net dollars.
- Programming provided by the applicant outside of Georgia and the U.S.
- Tuition for college/university study, whether in the U.S. or abroad
- Scholarships, prizes, or endowment funds
- Deficits or campaigns to reduce deficits
- Depreciation
- Entertainment expenses, whether receptions, refreshments, staff or cast parties, staff awards, flowers, etc.
- Late registration fees for conferences
- Fees paid to Lobbyists



- Travel and accommodation expenses that are over the rate allowed by the state of Georgia (contact your Program Manager for the latest details)
- Items labeled “Miscellaneous”

All organization’s budgets include some of these ineligible expenses. Therefore, the budget completed in a GCA application will not be the same as the organization’s operating budget.

### Support Material

Applications for all grants offered by GCA must submit Support Material with their applications. Only Continuation Applications are exempt from this requirement.

Support Material provides the Peer Review Panel the means to evaluate artistic excellence, GCA/NEA Credit Requirements, marketing efforts, community support, and other criteria. Panelists are not allowed to provide personal knowledge of the applicant organization, other than information acquired in the Onsite Review, if applicable. Thus, Support Material are the sole source of artistic excellence adjudication.

Acceptable formats for support materials include: photographs, digital images, CDs, DVDs, promotional materials, programs and published reviews. Letters of recognition are not acceptable.

All Support Material (documents, photographs, and electronic media) submitted with the Application and the Final Report becomes part of the official record of the contract with the State of Georgia. GCA will use these as promotional collateral, crediting the organization when used. Support Material should be submitted in the media that best represents the discipline, such as audio format for music, video format for presenters, and craft/visual arts through photographs or images on a CD. Beginning in FY 2011, GCA no longer will return Support Material.

For specific Support Material submission instructions and requirements consult the grant-specific guidelines.

### Appeals Process

There is no appeal for the dollar value of the award. The Peer Review Panel does not review incomplete applications, and there is no appeal to this policy.

Applicant organizations not awarded a contract may appeal the decision. The appeal must be submitted in writing to the GCA Executive Director no more than fifteen (15) working days after receipt of the written notice. This

notice must provide evidence to support one or more of the three grounds for appeal.

1. Information not presented during Peer Review Panel: It is grounds for appeal if information that was submitted with the application was not presented to the panelists. This does not include information that was in excess of the application's space limitations or information that was submitted after the application deadline. This also does not mean information that was misinterpreted or misunderstood by the panelists.
2. Violation of GCA Conflict-Of-Interest Policy: Panelists who are on the staff or governing board of an applicant organization are required to recuse themselves from any discussion or scoring of the application. Violation of this policy is grounds for an appeal.
3. Decision based on Improper Criteria: If panelists based their score on criteria not published, it is grounds for appeal.

The GCA Executive Director must respond to the appeal within fifteen working days by written correspondence. This ruling is the only administrative remedy, and there is no further right of appeal.

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## ► CONTRACT COMPLIANCE

### Contract Package

Notification of award will be a letter of congratulations attached to the Contract Package from GCA. It will contain three copies of the state of Georgia contract, a Corrections & Stipulations Memo (if required), a cover memo, and instructions for downloading all necessary forms, such as the Contractor's Reimbursement Request (CRR) Form.

The cover memo will detail the deadline for submission of all three signed copies of the contract. Contracts are not executed until signed, processed (by both GCA and the Governor's Office of Planning & Budget), and returned.

### Corrections/ Stipulations Memo (C/S Memo)

When the application has errors, omissions, and/or provides incomplete or confusing information as defined by the Peer Review Panel or GCA Staff, a Corrections & Stipulations Memo is prepared and attached to all three copies of the contract requiring; it requires a response (correction or clarification) by a specified date.

Because the application becomes part of the contractual agreement with the state of Georgia, these corrections and/or stipulations must be received by GCA before the contract is executed by GCA and the Governor's Office of Planning & Budget (OPB). The C/S Memo articulates the specific steps that must be taken, provides the deadline date, and requires the signature of the highest-ranking staff person. The applicant must submit the signed C/S Memo and required responses with each of the three, signed copies of the contract.

### Scope of Services

A GCA award becomes a legally binding agreement between the contractor and the state of Georgia. The contract articulates the delineation of type and quantity of services in the application, making these contractual obligations. Applicants complete this listing of services (Scope of Services) in *e-Grant*.

The list of types of services has been developed by the NEA; definitions and examples of each type are available in the Glossary.

GCA grants are awarded as contracts for services rendered, therefore contractors are required to deliver the services in both number and type as outlined in the contract or on an approved SOS Revision Form. Failure to fulfill the services as defined in the contract (within 10%) will result in a reduction to the award amount.

If the GCA award is ninety percent (90%) or less than the amount requested in the application, and the applicant will not be able to fulfill the originally proposed Scope of Services, the organization is required to submit a [Scope of Services Request for Revision](#) form. If, however, other revenue sources will be used to complete the original commitment of services as enumerated in the application and duplicated in the contract, then no revision is required. A copy of this form is available on the GCA website under [General Forms](#).

Throughout the year, other circumstances may arise that may necessitate a reduction in the Scope of Services. The applicant must complete a Scope of Services Request for Revision Form and forward to the Program Manager for review and for determination if the contract award must be reduced.

**Contractor's Request for Reimbursement (CRR)**

The state of Georgia contract requires that a contractor may not receive the awarded funds until after expenses have been incurred and as match funds are received. Except for GAP Grants, the CRR may not exceed fifty percent (50%) of the actual expenses incurred during the reporting period of the request, nor may it exceed ninety percent (90%) of the total contract amount until the close of the fiscal year. A CRR may not be submitted more frequently than once per month.

Ten percent (10%) of the award is not available for reimbursement until the Final Report has been submitted to and approved by GCA. This final CRR is due on the same date as the Final Report. Once GCA approves the CRR, it is forwarded to OPB for payment. Allow a minimum of sixty (60) working days for receipt of reimbursed funds.

GCA strongly recommends that all GAP and TAA contractors submit the initial CRR with the signed contracts, enabling the funds to be received in a timely manner for payment to sub-grantees and sub-contractors.

GCA reserves the right to withhold more than 10% of a contractor's award should the contractor fail to meet reporting requirements or if other conditions exist. No CRR will be processed if requirements from either the preceding fiscal year or requirements in the Contract Package are outstanding.

**GCA & NEA Credit Requirements**

GCA seeks to increase the visibility and support of public funding for the arts. When GCA contractors acknowledge their organization's support from GCA, they are communicating to the public the importance of government support, whether local, state, or federal tax dollars.

Contractors are therefore required to credit both GCA and NEA in program related publicity. Failure to provide proper credit is deemed Administrative Noncompliance. Credit for GCA and NEA must appear when other donors are credited.

#### Printed Credit

GCA requires all contractors to feature visible recognition in all materials, publications, and programs\* that are supported by state funds. GCA must be credited any time another sponsor is credited. Note: any organization receiving operating support funding (OS) must provide this recognition for the entirety of its Scope of Services.



*\*Programs, Newsletters, Brochures, Flyers, Calendars, Postcards, Press Releases, Films & Videotapes, and all electronic transmissions, including the contractor's website.*

Such recognition must be a duplication of the GCA Logo (shown, at left), reproduced in the same size and proportion as that of other sponsors. It must be reproduced as a unit, without alteration.

#### Oral Credit

Should a printed credit not be an option (ex. no program for a production, no wall listing of donors for an exhibition), oral credit must be provided. The statement below must be provided before the event or performance, and during any radio broadcast or audio tape for the hearing impaired.

**This program is supported in part by the Georgia Council for the Arts through the appropriations of the Georgia General Assembly. GCA also receives support from its partner - the National Endowment for the Arts.**



#### NEA Credit

GCA receives significant funding from the National Endowment for the Arts. Contractors should recognize the NEA on their materials in addition to, but not instead of, the GCA Logo.



#### For GAP Agencies and Sub-Grantees

GAP Agencies must use the GAP Logo and a printed credit line on all materials (such as letterhead and application forms) relating to the Grassroots Arts Program. This requirement applies both to the GAP Agency and its sub-contractors. The following credit line must be used with the logo, in a type size no smaller than 8-point, and should be presented verbally at events at which no printed program is used:

**The Grassroots Arts Program is supported in part by the Georgia Council for the Arts through an appropriation of the Georgia General Assembly and administered by (GAP Agency name here).**

Consult the *GAP section* of the GCA website to download the GAP logo.

**Failure to Follow NEA/GCA Credit Requirements:** GCA and NEA logo and credit requirements are mandated. Failure to meet these requirements by the end of the fiscal year as evidenced in the Final Report will result in:

- Cancellation of remaining balance
- Peer Review Panels will be provided the details of this Administrative Noncompliance, and will consider this information when determining scores for the applicant's management capabilities

**Access for Persons with Disabilities**

All arts programming funded by GCA must be accessible to persons with disabilities, including those with visual, hearing, mobility, and learning impairments.

The Americans with Disabilities Act (ADA) requires that persons with disabilities must have access to public programs on an equal basis with the general public. Furthermore, federal law mandates that any program or service that receives federal or state funding must be accessible. GCA is committed to ensuring this principle.

Applicants must complete the ADA Checklist portion of the application if there is not a current ADA Checklist for the venue on file at GCA. A current ADA Checklist is any Checklist submitted in or since FY2008. The checklist requires information not only on access issues, but also programming for persons with disabilities. Note these rules:

- If the applicant's programming is to be offered at multiple venues, an ADA Checklist must be completed for each venue.
- If an applicant organization is renting a facility owned/managed by a known GCA Contractor, only the Arts Programming section of the checklist must be completed.
- First-time applicants must submit the checklist for a non-listed venue and always for their arts programming.
- If the venue is a public facility, the checklist is not required.

The checklist will not be scored, but must demonstrate compliance with ADA requirements in order for the application to be deemed eligible for review.

The ADA Checklist is available as a download from the GCA website and can be found on the General Forms page.

### **Audit Requirements**

Organizations receiving \$100,000 or more from a combination of GCA and other Georgia state agencies during any fiscal year must submit an audit performed in accordance with generally accepted government audit standards. Organizations receiving less than \$100,000, but more than \$24,999 must submit a copy of their financial statement for the fiscal year in which the state funds were received. These documents must be submitted to both GCA and to the Georgia Department of Audits & Accounts, Professional Practice Division, Suite 114, 254 Washington Street SW, Atlanta, GA 30334 no later than 180 days after the close of the applicant organization's fiscal year.

All financial records submitted to the state of Georgia are subject to an audit by the National Endowment for the Arts and the U.S. General Accounting Office, regardless of the award amount.

Further, O.C.D.A §36-81-7 requires that local governments provide the state with a copy of their annual audit. The code adds, "no state agency shall make or transmit any state grant funds to any local government which has failed to provide all the audits required by law within the preceding five years."

### **Federal Requirements**

All grantees are required to conduct operations in compliance with applicable federal statutes on labor standards [Section 5(j) of the National Foundation for the Arts and Humanities Act of 1965, L89-209, as amended].

Grantees must also comply with federal nondiscrimination standards, which state that no person in the US shall, on the grounds of race, color, creed, national origin, or disability be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. Grantees also should not discriminate on the basis of sexual orientation [Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, as amended, and the American Disabilities Act of 1990].

### **Public Record**

As a state agency, all submissions to GCA (application, financial statements, audits, Final Reports, etc.) are subject to the Freedom of Information Act.

Because these documents are part of the legally binding agreement between the applicant organization and the state of Georgia, they are available for viewing at the GCA Offices, but may not leave the premises. Copies will be provided at fifteen cents (\$0.15) per page.

It is requested that applicants and members of the general public wishing to review these documents contact GCA for an appointment, so that appropriate space can be prepared, enabling the guest to not interfere with the agency's regular operations.

### Record Keeping

Terms of the state of Georgia contract are administered through the Governor's Office of Planning & Budget (OPB). The only obligation of OPB under the contract is to provide no more than the total contract amount, as approved by GCA and stipulated in the contract.

The contractor agrees to maintain complete financial records for all activities covered in the contract.

While operating support contracts offer flexibility in the allocation of the award to any eligible expense, grantees are still required to keep comprehensive records and to not apply state funds to ineligible expenses.

### Change of Information

In order to receive an award, the successful grantee (now contractor) must sign a contract with the state of Georgia. Because this is a legally binding agreement, any changes in the address or personnel that signed the contract or application must be reported to GCA. An electronic notification (e-mail) does not suffice; original signatures are required.

The [\*Change of Information form\*](#) is available via the GCA website by selecting it under General Forms. It is to be completed and mailed to GCA to report:

1. Change of Address: Street address, email address, and telephone number changes
2. Change of Personnel: Application Contact, Executive Staff and/or Board Chair/President or other persons authorized to sign the application and/or the contract; note that a change in the Board Chair/President must include a mailing address that is different from the organization's mailing address

### Immigration Reform

All GCA grantees must verify compliance with the Immigration



**& Control Act**

Reform & Control Act of 1986 (IRCA) D.L. 99-603 and the Georgia Security and Immigration Compliance Act OCGA 13-10-90 et.seq. In doing so, grantees must register on the [Employment Eligibility Verification](https://www.vis-dhs.com/EmployerRegistration) page of the U.S. Citizenship and Immigration Service's website (<https://www.vis-dhs.com/EmployerRegistration>) to verify information about all new employees. Language concerning compliance and instructions for registering are included in the FY2011 GCA Contract.

► **ADMINISTRATIVE COMPLIANCE – Details & Deadlines**

Administrative Compliance refers to mandated actions that must be taken or completed as required by GCA and/or the state of Georgia. Each is discussed in this document. During the Peer Review Panels, GCA Staff presents an Administrative Report that details all administrative compliance issues.

Noncompliance may negatively affect any potential contract award and existing awards. These negative affects (i.e., reductions in award, forfeiture of remaining award balance, and/or ineligibility in succeeding years) are cumulative, meaning that multiple noncompliance reductions are possible.

Compliance resides with the applicant organization, not with the application. Thus, a noncompliance issue will be reported in all panel meetings in which the organization has made an application.

**Contracts**

**Late Return of the State of Georgia Contract and**

**Correction/Stipulation Requirements:** GCA provides thirty (30) days for the signing and return of the contract. FY2011 contracts not signed and returned by the specified deadline will result in:

- Cancellation of the contract
- Peer Review Panels will be provided the details of this Administrative Noncompliance and will consider this information when determining scores for the applicant's management capabilities

**Final Reports**

**Late Submission of the Final Report:** Two months are provided from the end of the fiscal year (June 30) to the required deadline for Final Reports for all grantees on August 31. All FY2011 Final Reports received late (hand-delivered after 4:45 PM on August 31 or postmarked after August 31) will result in:

- Cancellation of the contract balance
- Ineligibility for all future grants. Eligibility is not restored until the FY2011 Final Report is complete, correct, and approved by GCA.
- Peer Review Panels will be provided the details of the late submission and will consider this information when determining scores for the applicant's management capabilities

**Failure to Respond to FR Clarifications:** Clients are given 2 weeks from the date of inquiry to respond to a Program Manager's request for information/clarification on a Final Report. Failure to respond to all requests for clarification of information within 2 weeks is grounds for cancellation of the contract balance.

### Scope of Services

**Failure to Meet Scope of Services:** GCA allows grantees to request a revision in the Scope of Services proposed in the original application. Revisions may be necessary for a number of reasons: difference between the grant amount requested and the grant amount awarded, cancellation by an artist, or other unplanned or uncontrollable events. Multiple requests for revisions during the year will be considered.

If the grantee fails to meet the approved Scope of Services, defined as failure to render services within 10% of approved SOS (whether the original or the revised as approved by GCA) by the end of the fiscal year in either quantity or type of service, these policies apply:

- a. Adjustment of any balance remaining on the contract may be made by GCA. Balances will be pro-rated for the reduction in services rendered.
- b. If necessary, both the contract balance and the balances on any other awards may be cancelled to account for the reduction in services rendered.
- c. If cancellation of all existing balances is not sufficient to account for the reduction in contracted services, the grantee will be invoiced for the amount to be returned to the state of Georgia and will remain ineligible for future funding until the balance due is paid in full. Additional action may be taken by the state of Georgia to secure any remaining balance owed.
- d. Peer Review Panels will be provided the details of this Administrative Noncompliance, and they will consider this information when determining scores for the applicant's management capabilities.

### Credit Requirements

**Failure to Follow NEA/GCA Credit Requirements:** GCA and NEA logo and credit requirements are mandated. Failure to meet these requirements

by the end of the fiscal year as evidenced in the Final Report Support Material will result in:

- Cancellation of remaining balance
- Peer Review Panels will be provided the details of this Administrative Noncompliance, and will consider this information when determining scores for the applicant's management capabilities

### Unused Awards

Award funds not used by a contractor within the fiscal year (by June 30) and returned after that date are directed to the Treasury of the state of Georgia, making them no longer available to support the arts.

Throughout the fiscal year of award, contractors may be unable to use some or all of the award funds due to a variety of reasons, such as match not met or arts programming cancelled due to artist incapacitation or weather. Regardless of the reason, the funds awarded and not used must be returned to GCA prior to the close of the fiscal year. With advanced notice of these dollars, GCA de-obligates that portion of the award and reallocates them for other arts programming.

On February 01 of each year, GCA forwards a letter to all contractors that requests notification of any award dollars that will not be used before June 30. NOTE: This letter is mailed to the executive that signed the contract at the address of record. A response is required by March 01. GCA acknowledges that changes in programming, resulting in changes to the SOS and/or changes to expenses can occur after the March 01 deadline for the UAF Letter. However, contractors are still required to notify GCA and return unused funds before June 30.

**The following consequences exist for non-compliance to Unused Award Funds Letter or failure to return unused funds before June 30.**

Failure to Respond to Letter of Unused Award Funds: Failure to respond by March 01 will result in:

- Cancellation of contract balance
- Peer Review Panels adjudicating an application will be provided with the details of this Administrative Noncompliance

Failure to Release and Return Unused Award Funds before April 30: Should a contractor notify GCA of unused funds with the return of the UAF, but fail to release (via a written statement) and return the unused funds before April 30 in the fiscal year awarded, the organization will lose eligibility for one complete year in all grant categories.

Failure to Release and Return Unused Award Funds before June 15: Should changes occur between the return of the UAF Letter and the close of the fiscal year which impact a contractor's award, GCA must be notified immediately. Contractors are required to notify GCA and release the funds no later than June 01. If money is to be returned to GCA, it must be received no later than June 15. Funds returned with the Final Report in August are directed to the Treasury of the state of Georgia, making them no longer available to support the arts. **Failure to notify GCA and return funds before June 30 will render the organization ineligible for one complete year in all grant categories**

For GAP Partners: These re-granting agencies distribute funds through the end of the fiscal year and cannot confirm that all of the award will not be distributed. Therefore, only failure to return the funds on the deadline date of the Final Report will result in non-compliance.

## ADA Checklist

With some exceptions, GCA applicants are required to conduct a self-audit and develop a plan to address deficiencies in meeting the federal government's Americans Disability Act requirements. The plan must address policies, practices, and programs that ensure that those with disabilities, as well as organizations that represent them, may participate.

If an ADA Checklist was completed for a continuation application, Year 1 in OS, and there have been no changes in policies, practices and programs, there is no requirement to complete the ADA Checklist for the remaining years of continuation. However, the checklist must be submitted in any year when:

- Program accessibility has changed from one year to the next
- Different venues are used for the arts programming

All non-continuation applications require a completed ADA Checklist if one does not currently exist on file at GCA. New applicants are required to submit this form. The following applicants are not required to complete the ADA Checklist:

- All TAA, TAR and TRAR applicants
- All applications for public events in public venues and facilities

Accessibility, by federal definition, refers to not just physical, visual, and other disabilities, but also programming accessibility or the involvement of disabled persons in the planning and execution of arts programming.

If a question is not applicable to the venue or application, leave the check-box empty.